San Francisco Mayor London Breed
San Francisco County Superior Court Presiding Judge Garrett L. Wong
San Francisco County District Attorney Chesa Boudin
San Francisco County Public Defender Manohar Raju
San Francisco County Sheriff Paul M. Miyamoto
San Francisco County Board of Supervisors:
Norman Yee, President, District 7
Sandra Lee Fewer, District 1
Catherine Stefani, District 2
Aaron Peskin, District 3
Gordon Mar, District 4
Dean Preston, District 5
Matt Haney, District 6
Rafael Mandelman, District 8
Hillary Ronen, District 9
Shamann Walton, District 10
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Sent via e-mail

March 23, 2020

San Francisco Criminal Legal System COVID-19 Response Plan

Transgender Gender-Variant & Intersex Justice Project (TGIJP) is a group of transgender, gender variant and intersex (TGI) people—inside and outside of prisons, jails and detention centers—creating a united family in the struggle for survival and freedom. We serve Black, Black and Brown TGI people in and coming out of locked facilities. The following are our and the undersigned organizations' and individuals' demands of the city of San Francisco to ensure the safety and health of its residents.

I. Law Enforcement

During the COVID-19 crisis, law enforcement should implement the following protective measures:

- Decline to arrest people for nonviolent crimes.
- Limit contacts, stops, and warrant enforcement to situations where there is a reasonable imminent concern for public safety and where a violent crime is involved.

- Even where a violent crime is involved, limit instances of taking people into custody, and taking a person into custody should be a last resort.
- Maximize use of cite and release for as many offenses as possible within a jurisdiction's policies, except for quality of life violations or crimes related to a person's homelessness, where no citations should be issued.
- Even when necessary to place a person under arrest, have all arrestees screened by a medical provider for possible COVID-19 exposure before the person is taken to the local booking facility in order to limit/prevent the potential spread of COVID-19.
- Provide all patrol officers with sufficient sanitizing products for their persons, vehicles, and equipment.
- Provide immediate mandatory training on minimizing COVID-19 transmission risk using Center for Disease Control (CDC) and World Health Organization (WHO) standards. Provide all officers with CDC and WHO information packets about COVID-19, for both their own use and to provide to people they encounter on the job.
- Ensure all officers who interact with the public are tested immediately for COVID-19 due to their potential exposure.
- Ensure all officers who test positive for COVID-19 are quarantined and any officers who were, by the nature of their work, unable to maintain a safe social distance from that officer also be quarantined.
- Ensure all employees in their command are aware that they should not report to work if they themselves are feeling any symptoms or suspect that they may have been exposed to COVID-19 and that any leave will be fully compensated.
- Ensure all officers have access to other prompt medical care if needed.
- Decline to coordinate with Immigration and Customs Enforcement and ensure that Immigration and Customs Enforcement is not picking anyone up, especially outside of county jails.
- Release to the public the existing plan for each law enforcement agency for how it plans to assist the public with combatting COVID-19 and with the steps it is taking to ensure the health and safety of the community and all officers.

II. Prosecutors

San Francisco prosecutors should:

- Immediately test all public-facing employees for COVID-19, and place those employees who test positive on paid sick leave. Any employees who were unable to maintain a safe social distance from those who test positive due to the nature of their work (shared offices, etc.) must be placed on paid sick leave, as well.
- Decline to prosecute and direct people to diversion for all nonviolent charges and all possible violent charges.
- Agree to the release of people from custody without bail or in-person check in with pretrial services.
- Refuse to ask the court to issue "failure to appear" warrants or, "bench warrants" and agree to jointly waive the appearance of people who are out-of-custody.

- Work with defense attorneys and courts to ensure that people in custody receive a constitutionally-mandated speedy trial, and take all reasonable steps available to remove people from custody as soon as is possible.
- Default to noncustodial sentences wherever possible, including resolutions that avoid immigration detention where outbreak potential is highest.
- Direct any failures to comply with local quarantine orders to the civil court system, not the criminal court system.
- Provide a public health/COVID-19-informed justification for any actions/requests that would bring folks into courthouses, jails, and prisons. Ensure those justifications are on the record for public scrutiny.
- Extend paid sick leave to all employees, including those with temporary/part-time employment status.

III. Public Defenders

San Francisco Public Defenders should:

- Immediately test all public-facing employees for COVID-19, and put those employees on sick leave who test positive. Any employees who were unable to maintain a safe social distance from those who test positive due to the nature of their work (shared offices, etc.) must be quarantined, as well.
- Work with prosecutors and courts to ensure that people in custody receive a constitutionally-mandated speedy trial, and take all reasonable steps available to remove people from custody as soon as possible.
- Extend paid sick leave to all employees, including all those with temporary/part-time employment status.

IV. San Francisco Superior Court

The Court should:

- Default to noncustodial sentences wherever possible, including resolutions that avoid immigration detention where outbreak potential is highest.
- Decline to issue "failure to appear" warrants or "bench warrants."
- If requested by defense counsel, agree to waive clients' appearance for status court dates (for people both in and out of custody).
- Cancel all probation, parole, and pretrial meetings; court-ordered classes; in-person drug testing; collection of court debt; and modify all reporting conditions to phone-reporting.
- Cancel probation or parole revocation hearings based on technical violations upon request of defense counsel and release those held in custody pending hearings on signature bonds.
- Ensure that people in custody receive a constitutionally-mandated speedy trial, and take all reasonable steps to remove people from custody as soon as possible.
- Direct any failures to comply with local quarantine orders to the civil court system, not the criminal court system.
- Press prosecutors for a public health/COVID-19-informed justification for any actions/requests that would bring folks into courthouses, jails, and prisons. Ensure those justifications are on the record for public scrutiny.

- Extend unlimited paid sick leave to all employees that work at the court.

V. Jails

San Francisco jails should:

- Release the following populations:
    - People over the age of 50
    - Vulnerable populations according to CDC, including people who have serious chronic medical conditions like:
        - Asthma
        - Cancer
        - Heart disease
        - Diabetes
        - Lung disease
    - Vulnerable populations according to the San Francisco government, including transgender, gender non-conforming, intersex and LGBQ people
    - People living with HIV
    - Pregnant people
    - People held pre-trial
    - People with less than 6 months left on their sentence
    - Anyone else who does not pose a serious safety risk to the community upon release
- Provide soap, CDC-recommended hand sanitizer, medical care, comprehensive sanitation and cleaning of facilities, and other safety measures as recommended by the CDC for those who remain incarcerated. Water must not be shut off and soap and other sanitizers must not be denied to anyone for any reason. Sanitization products should be provided at no cost to the people incarcerated in the facility.
- Provide people incarcerated in San Francisco jails with free access to calls outside of the facility.
- Prohibit the use of isolated confinement as an alternative for adequate medical care.
- Close the 850 Bryant street jail without subjecting people to ankle monitors or out of county transfers.
- Release to the public the existing plan and procedures in place to address COVID-19 within the jails.

Upon release from jail:

- Previously incarcerated people should not be subject to electronic monitoring.
- All people released from the San Francisco jail should be provided with free healthcare and COVID-19 testing.
- TGIJP should be notified when TGI people are released, so that they can receive support on re-entry.

We request a response by Wednesday March 25, 2020.

Sincerely,

Transgender, Gender-Variant, and Intersex Justice Project

Co-Signed:
Organizations:
Anti Police-Terror Project
Communist Workers League Bay Area
Community United Against Violence
Drop LWOP coalition
El/La Para Trans Latinas
GABRIELA Oakland
GABRIELA USA
Initiate Justice
Justice Teams Network
Medina Orthwein LLP
Oasis Legal Services
Peoples Alliance
Positive Women's Network-USA
Prisoner Advocacy Network
Project for Transgender Incarcerated Survivors
SF Bay Area Mutual Aid
SF Rising
St. James Infirmary
SURJ Bay Area
Survived and Punished
SpeakOut - the Institute for Democratic Education and Culture
The Transgender District
Transgender Law Center
Workers World Party - Bay Area
YWCA Berkeley/Oakland
Young Women's Freedom Center

Individuals:
Aislinn Harvey
Albertina Prins, RN, FNP
Alex Vandiver
Alexander Ludington
Alina Fox
Alison Brocher
Alistair Bersch
Althea Karwowski
Amanda Meyer

Andrew Frost
Ari Jones
Aria Sa'id
Ashley Akerberg
Ava Agree, UC Hastings
Bambi
Caitlin Steinmann
Chelsea Skorka
Chris Hanssmann
Christen Cioffi
Christian David
CJ Miller
Claire Kennedy
Connor Kelley
Corri Frohlich
Cory Dostie
Daisy Chavez
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Jennifer Tilson
Jenny Poretz
Jenny Tighe
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Jona Peters
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Judith Grether
Judy Greenspan, California Teachers Association (org for ID purposes only)
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Katie Donnelly
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Katrin Wehrheim, UC Berkeley, Mathematics Department
Kelan Thomas
Kelly Liu
KellyLou Densmore
Kyle Neil
Laura Eberly
Laura Wesely
Lauren E Matthews
Lee Gibson
Lindsey Shively
Lisa Baggs
Lisa Jervis
Liz Atkins-Pattenson
Liz Ozol
Lucile Beatty
Lynn Levey
Madeleine Taylor
Matti Bautista
Meg Prier
Megan Armstrong
Megan Clark
Melissa K
Mercade Frost
Michelle Maddex
Monica Alcazar`
Morgan Prentice
Naina Khanna
Natalie Korengold
Natasha Huey
Nell Scott
Nicolas Dahlberg

Nicole Santamaria
Oscar Lafleur
Patricia Blakemore
Paul Kivel
Paulina Binsfeld
Peter Woiwode
Quinn Leong
Rachel Stober
Raechel Lockhart
Ryan houldin
Samantha Sipin
Sara Hundt
Sarah Maslov
Shannon Hartman
Shawn Snavley
Shawn Thomas Meerkamper
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Terri Kay
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Victoria Gomez
Whit Washington
YolandaNavarrete
Zander Allport